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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 4-13-71470 MAG
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	CONTINUING APPEARANCE
v.	)	
	)	
RUBEN CHAVEZ,	)	
	)	
Defendant.	)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of March 3, 2014 at 9:30 a.m. before the duty Magistrate Judge and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. 3161(b), from February 21, 2014 to March 3, 2014, and thereby vacating the February 21, 2014 preliminary hearing date. The parties agree, and the Court finds and holds, as follows:

1. The defendant is currently in custody.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

- 1 3. The defendant waives the time limits of Federal Rule of Criminal 5.1 for preliminary hearing.
- 2 4. Counsel for the defense believes that postponing the preliminary hearing is in his client's best
- 3 interest, and that it is not in his client's interest for the United States to indict the case during
- 4 the normal 14 day timeline established in Rule 5.1.
- 5 5. The Court finds that, taking into the account the public interest in the prompt disposition of
- 6 criminal cases, these grounds are good cause for extending the time limits for a preliminary
- 7 hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court
- 8 finds that the ends of justice served by excluding the period from February 21, 2014 to
- 9 March 3, 2014, outweigh the best interest of the public and the defendant in a speedy trial.
- 10 18 U.S.C. 3161(h)(8)(A).
- 11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing
- 12 date before the duty Magistrate Judge on March 3, 2014 at 9:30 a.m., and (2) orders that the
- 13 period from February 21, 2014 to March 3, 2014, be excluded from the time period for
- 14 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial
- 15 calculations under 18 U.S.C. 3161(h)(8)(A) & (B)(iv).
- 16

17 IT IS SO STIPULATED:

18 DATED: February 7, 2014

/S/  
\_\_\_\_\_  
HARRIS TABACK  
Attorney for Defendant

21 DATED: February 7, 2014

/S/  
\_\_\_\_\_  
NATALIE LEE  
Assistant United States Attorney

23 IT IS SO ORDERED.

25 DATED: 2/10/14

  
\_\_\_\_\_  
HONORABLE KANDIS A. WESTMORE  
United States Magistrate Judge